THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No. 27676 OF 1997

Dated 31st January 2007

Between:

The Estate of R.Venkateswarlu & others,
Madanapalle, rep.by R.Srinivasa Sastry, Receiver.

...Petitioner

and

The State of A.P., rep.by District Collector,
Chittoor District & others.

...Respondents

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WRIT PETITION No. 27676 OF 1997

O R D E R:

This writ petition is filed on behalf of the estate of one

Sri R.Venkateswarlu and others, who figured as plaintiffs and defendants in O.S.No.21 of 1975, on the file of the Subordinate Judge, Madanapalle, filed for the relief of partition. It is stated that the petitioners are the absolute owners of the buildings covered by Door Nos.1/444, 14/181, 14/183 to 185, 10/27 and 28, 15/362, 15/375 and 15/376 of Madanapalle town. The properties are said to have been acquired in the years 1914 to 1916, and that the constructions were made, after obtaining the permission from the local authority. The grievance of the petitioners is that the respondents are trying to

demolish the premises, for widening of the road, without following the procedure prescribed by law.

Heard the learned counsel for the petitioners. Though nearly 10 years have elapsed from the date of filing of the writ petition, the respondents have not filed any counter affidavit.

The ownership of the petitioners to the premises in question, is traced back to several decades. It is always open to the respondents, to form and expand the roads, particularly in towns. However, where any private property is needed, either for formation, or widening of the road, the procedure prescribed under the Land Acquisition Act, has to be followed. In case, owners of the properties are willing to part with the same, in lieu of any compensation or other benefit, it would not be necessary, to take steps under the Land Acquisition Act. The consent of the owners becomes necessary, in this regard.

Howsoever laudable the object of widening of a road may be, it cannot be undertaken in such a way, as to affect the rights of private parties. The interests of few individuals cannot be sacrificed, for the larger public interest.

Therefore, the writ petition is disposed of, directing that the respondents shall not demolish the structures belong to the petitioners, or use any property held by them, for widening of the road, except with the

consent of the parties, or by following the procedure prescribed under the Land Acquisition Act. There shall be no order as to costs.

31st January 2007

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